

or designed to be used, in whole or in part, for any industrial, manufacturing, trade or commercial purposes or for any other than the following specified purposes:

1. Any use hereinbefore permitted in Residence "O" Districts;

2. A semi-detached residence;

3. A semi-detached duplex residence;

4. Boarding houses, lodging houses and clubs; including restaurants accessory to any of the foregoing;

5. Lodges and fraternal social recreational and community center organizations, *provided* that any such establishment shall not be conducted primarily for gain.

Sec. 457. Business "G" District uses.

Within any Business "G" District, as indicated on the Building Zone map, no lot, building or structure shall be used and no building shall be erected which is intended or designed to be used in whole or in part for any industrial, or manufacturing purpose or for any other than the following specified purposes:

1. Any use hereinbefore permitted in Residence "O" Districts or Residence "V" Districts:

2. Retail stores, confectioneries, offices, banks, theaters, assembly halls and news stands and gasoline filling stations, all *provided* that no manufacturing, wholesaling or jobbing shall be carried on and that in the permitted stores no merchandise shall be carried other than that intended to be sold at retail on the premises;

3. Signs applicable to goods sold and services rendered on the premises upon which they are displayed; *provided* that any such sign shall be placed flat against the front wall of the building, shall project not more than three inches beyond the property line, and shall not be over three feet in height.

Sec. 458. Business "B" District uses.

Within any Business "B" District, as indicated on the Building Zone map, no lot, building or structure shall be used and no building or structure shall be erected which is intended

or designed to be used in whole or in part for other than one or more of the following specified purposes:

1. Any use hereinbefore permitted in Residence "O" Districts, Residence "V" Districts or Business "G" Districts;

2. Newspaper offices and printing plants;

3. Undertaking establishments, embalming of human bodies, mortuaries, funeral parlors and funeral homes;

4. Storage warehouses and yards, not including railroad yards or the storage of combustibles prohibited by the fire code;

5. Barber shops, shoe shops, pressing shops, restaurants and similar small businesses, and billiard, bagatelle and pool tables, bowling alleys, public dance halls, shooting galleries and similar forms of public amusement;

6. Wholesale and jobbing establishments, cold storage plants, steam laundries, dry cleaning establishments, bottling shops, coffee roasting, the sorting and packing of goods, public garages and automobile repair shops, light manufacturing or processing, all without limit as to production, *provided* that no operations are carried on which create conditions of smoke, fumes, noise, odor or dust, detrimental to the health, safety or general welfare of the community.

7. Bill board advertising.

ARTICLE VIII. BUSINESS "G" DISTRICTS**Sec. 5230. Use Regulations.**

Within any business "G" district, as indicated on the building zone map, no lot, building or structure shall be used and no building shall be erected which is intended or designed to be used in whole or in part for any industrial, or manufacturing purpose or for any other than the following specified purposes:

(1) Any use hereinbefore permitted in residence "OL" districts, residence "O" districts, residence "VL" districts, residence "VS" districts, and residence "V" districts;

(2) Bakeries and confectionaries whose products are sold at retail *and only on the premises*;

(3) Banks;

(4) Barber shops and beauty parlors;

(5) Filling stations or automobile service stations for the sale of gasoline, oil, and minor automobile accessories only, where no repair work is done except minor repairs made by the attendant, subject to approval by the City Council as provided in chapter 57 of the City Code;

(6) Greenhouses and nurseries operated on a commercial scale, including sales rooms and offices;

(7) Laundries of the self-service type;

(8) Parking of automobiles, not including trailers, on open lots for transient occupancy for which fees may be charged, however, automobile sales will not be permitted on such lots;

(9) Photographic studios;

(10) Restaurants;

(11) Retail stores; shops for dressmaking, millinery, tailoring, shoe repair and radio repair; *provided* that no manufacturing, wholesaling or jobbing shall be carried on and that in the permitted stores and shops no merchandise shall be carried other than that intended to be sold at retail on the premises;

(12) Theatres and assembly halls, *provided* the seating capacity is not more than 600 persons.

(13) Signs applicable to goods sold and services rendered on the premises upon which such signs are displayed; *provided* that any such sign shall be placed flat against the front wall of the building, shall project not more than three inches beyond the property line, and shall not be over three feet in height. One sign shall be permitted for each street on which the lot abuts to advertise any business on such lot, *provided, however*, filling stations, automobile service stations, and parking lots will be permitted, not to exceed, two projecting signs limited to twenty (20) square feet each in area, *however*, such signs shall not project beyond the lot lines. *When any sign is lighted*, such lights shall be shaded so that they will in no way interfere with the vision of motorists or residential property owners in the vicinity. Only white illumination may be used, and no flashing (on and off) sign, nor any sign simulating movement, shall be permitted. The provisions contained here shall not apply to signs on the inside of store windows.

Sec. 5231. Height Regulations.

Except as hereinafter provided in section 5245 no building or structure shall exceed forty (40) feet in height.

Sec. 5232. Yards.

Except as provided in section 5246, the following spaces unobstructed and open to the sky, shall be provided for yards:

1. *When a lot in any Business "G" District is used, in whole or in part, for residential purposes the yard requirements shall be the same as those in a Residence "VL" District, section 5217;*

2. **FRONT YARDS:** (a) Where all of the lots contained within a block are in a Business "G" District—there shall be a front yard having a depth of not less than twenty (20) feet, *provided* that if the natural slope of the ground, contained within a block, is such that the average difference in elevation between the sidewalk grade and the grade at the set-back line is greater than five (5) feet, whether there be buildings in such block or not, the set-back line may be established at a distance back where such difference in elevation is five (5) feet, but in no case shall the depth of the front yard be less than fifteen (15) feet.

(b) Where the lots contained within a block are partly in a Business "G" District and partly in any residence district, the front yard requirements for the residence district shall apply to the entire street frontage in both districts, or 20 feet, whichever distance is the greater. Where applicable, the provisions of this paragraph shall take precedence over the other provisions of this section with reference to front yard requirements in business "G" districts.

(c) Where there are existing buildings in a block, the required front yard shall be the same depth as the average established for such existing buildings, *provided* that no front yard shall be required to exceed forty (40) feet in depth. *Provided, further*, that in any business "G" district, when, as of January 1, 1948, more than 25% of the street frontage on one side of the street is occupied by business buildings, only the set-back observed by such buildings shall be considered in establishing the average, and the set-back line observed by gasoline service stations shall not be a factor in calculating the average set-back line. This paragraph shall apply to the following business "G" district locations in which more than 25% of the street frontage was occupied by business buildings as of January 1, 1948: Hydro Street; N. E. side of Rivermont Avenue at Norfolk Avenue; Rivermont Avenue between Bedford Avenue and Cabell Street; south side of Eighth Street between Harrison and Federal Streets; Memorial Avenue between Oakley Avenue and North Grand Street; Memorial Avenue between Oakley Avenue and Shenandoah Street; Memorial Avenue between Oakridge Boulevard and Fort Avenue; Fort Avenue between Tolley's Lane and Lindsay Street; and Florida Avenue between Poplar and High Streets.

(d) Interior lots having a frontage on two streets shall have a front yard on each street as provided in (a), (b) and (c) above.

(e) Corner lots: Where front yards have been established, or may be required, within a block, on each of two (2) intersecting streets; there shall be a side yard, for the full depth of the lot, abutting the side street of a corner lot, and equal in depth to such established or required front yards on the side street. No accessory building shall project into the required front or side yard abutting

either street, nor be located in any rear yard which may extend in front of the required set-back line on the side street.

3. **SIDE YARDS:** For corner lots, when a side yard is not required along the side street, by the preceding section 5232 (1) (e), there shall be a side yard eight (8) feet in width along such street. For all other lots no side yard is required *except* where a business "G" district abuts a residence district, in which case the yard required on the abutting side shall be the same as that required in the residence district;

4. **REAR YARDS:** No rear yard is required *except* where a business "G" district abuts a residence district, in which case the yard so abutting shall be the same as the side yard requirement in the residence district.

Sec. 5233. Area Regulations.

When a lot in any business "G" district is used for residential purposes the area requirements shall be the same as those in a residence "V" district, section 5228, otherwise there is no requirement for minimum lot area.

Sec. 5234. Parking and Loading Requirements.

Off-street parking and loading space shall be provided as required in section 5247 and 5248.

ARTICLE IX. BUSINESS "B" DISTRICTS

Sec. 5235. Use Regulations.

Within any business "B" district, as indicated on the building zone map, no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for other than one or more of the following specified purposes:

(1) Any use hereinbefore permitted in residence "OL" districts, residence "O" districts, residence "VL" districts, residence "VS" districts, residence "V" districts, or business "G" districts;

- (2) Armories;
- (3) Advertising signs (see sec. 5245-2);
- (4) Bakeries;
- (5) Bottling plants;
- (6) Billboard advertising;
- (7) Bowling alleys, billiards, bagatelle and pool rooms, public dance halls, shooting galleries and similar forms of public amusement;
- (8) Building material dealers, not including handling of bulk materials such as sand and gravel;
- (9) Coffee and peanut roasting;
- (10) Cold storage plants;
- (11) Dairies, pasteurizing plants, ice cream manufacture;
- (12) Dry cleaning and dyeing plants;
- (13) Frozen food locker plants, not including lard rendering and abattoirs;
- (14) Funeral homes and undertaking establishments;
- (15) Ice manufacture;
- (16) Laundries—all types;
- (17) Light manufacturing and processing, all without limit as to production, provided that no operations are carried on which create conditions of smoke, fumes, noise, odor or dust detrimental to the health, safety, or general welfare of the community;
- (18) Poultry houses operated on a commercial scale;
- (19) Printing plants and newspaper offices;
- (20) Public garages and automobile repair shops, subject to approval by the City Council as provided in chapter 57 of the City Code;
- (21) Radio towers and stations operated for commercial purposes;
- (22) Storage warehouses and yards; *not including* sand yards, gravel yards, coal yards, railroad yards, automobile wrecking yards, and storage warehouses or shops or yards operated by licensed junk dealers, or the storage of combustibles prohibited by the fire code;

- (23) Theaters and assembly halls having a seating capacity of more than 600 persons;
- (24) Tourist courts and tourist camps;
- (25) Wholesale and jobbing establishments.

Sec. 5236. Height Regulations.

In any business "B" district, a building may be erected to any height, *provided* that the height of that portion of the building in excess of twice the width of the street on which it abuts shall be governed by the following regulations: for each foot such building or portion thereof is set back from any street, lot or required yard line, such building or portion thereof may be erected two feet in height, *provided* that no street shall for this purpose be considered to be less than 40 feet nor more than 60 feet in width.

Sec. 5237. Yards.

Except as provided in section 5246, the following spaces unobstructed and open to the sky, shall be provided for yards:

1. *When a lot in any business "B" district is used, in whole or in part, for residential purposes, the yard requirements shall be the same as those in a residence "VL" district, section 5217.*

2. **FRONT YARDS:** (a) Where all of the lots contained within a block are located in a business district, no front yard will be required. (b) Where the lots contained within a block are partly in a business district and partly in a residence district, the front yard requirements of the residence district shall apply to the entire frontage in both districts:

3. **SIDE YARDS:** No side yard shall be required *except* where a business "B" district abuts a residence district, in which case the yard required on the abutting side shall be the same as that required in the residence district;

4. **REAR YARDS:** The requirement for rear yards is the same as that for business "G" districts, section 5232 (4).

Sec. 5238. Area Regulations.

The lot area requirements shall be the same as those for a business "G" district, section 5233.

Sec. 5239. Parking and Loading Requirements.

Off-street parking and loading space shall be provided as required in sections 5247 and 5248; *provided, however*, the requirements of said sections shall not apply in connection with buildings located in the first fire district as described in chapter 57 of the City Code.

Article VII.**"B-1" Limited Business Districts****Sec. 35-25. Use Regulations.**

Within any business "B-1" district, as indicated on the building zone map, no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any industrial or manufacturing purposes or for any other than the following specified purposes:

1. Any use hereinbefore permitted, and as regulated, in residence R-1, R-2, R-3 and R-4 districts;
2. Branch banks and branch offices of building and loan associations, including incidental drive-in service windows for such types of businesses;
- 2.1. Barber shops and beauty parlors.
3. Convalescent and nursing homes;
4. Funeral homes and undertaking establishments;
5. Halls or theatres for music, drama, lectures, or other civic or amateur presentations of the arts;
6. Hotels and motels, in which services customarily incident to the operation thereof may be conducted for the convenience of the occupants of the hotel or motel, provided there is no show window nor any entrance to such place or service except from the inside of the building;
7. Offices, provided no merchandise, material or equipment is stored or kept on the premises, either inside or outside of any building, for sale, resale, demonstration or repair;
8. Parking of passenger automobiles, not including trailers, trucks or busses, on open lots for transient occupancy, for which fees may be charged; however, automobile sales will not be permitted on such lots, nor shall any floodlights, or similar device, be used for illumination; except shaded lights sufficient for safety and illuminating only the lot itself may be used, provided, the source of light is not visible beyond the property line;
9. Signs identifying permitted uses, on the same lot with the main building and limited in size to six (6) square feet. No roof sign, projecting sign or billboard shall be permitted. Ground signs shall not exceed six (6) feet in overall height above the ground, nor shall any such sign be located closer to the front property line than two (2) feet, or be placed so that it will obstruct the view of traffic in any way. One sign shall be permitted on each lot in relation to each street on which the lot abuts. When any sign is lighted, such lights shall be shaded so that they will in no way interfere with the vision of motorists or with neighboring residents; luminous tube lights shall not be used unless white in color;
10. Tourist home.
11. Signs shall comply with the provisions of Section 35-20 (4).
12. Cluster Commercial Development.

There is hereby established as a use permitted by conditional use

permit within any Limited Business "B-1" District, Cluster Commercial Development (CCD).

A. **Intent.** These districts are intended to provide for flexibility in the planning of certain tracts of land, under single or multiple ownership, through the modification of certain lot, setback, and use restrictions. Developments under these regulations should provide for increased amenity, safety and other public and private benefits, as well as reduced public and private costs. These districts are generally characterized by a unified or planned clustering of development served by a common parking area with a common means of ingress and egress. These developments should be designed to decrease traffic congestion and reduce distractions from such sources as signs and artificial lighting.

B. **Prohibited Uses.** Within any business CCD District, no lot, building, or structure shall be used and no building shall be erected which is intended or designed to be used in whole or in part for any industrial or manufacturing purpose.

C. **Uses Permitted.** Uses permitted by right in the R-3 through B-5 Districts will be permitted according to any mixture of land and/or building uses as shown on approved site development plan and/or in accordance with regulations contained herein.

D. **Permitted Locations.** Cluster Commercial Development Districts may be established in accordance with the regulations of this section in the following locations:

- (1) Areas which are consistent with the Comprehensive Plan of the City of Lynchburg.
- (2) Areas which are provided with public services certified to be adequate for the proposed development by the Director of Community Services of the City of Lynchburg.

E. **Approval of Site Development Plan.** No development within this district shall be commenced until the submittal of a preliminary site plan to the Planning Commission for its recommendation and subsequently to City Council for approval. However, final approval of the conditional use request will be contingent upon approval of the Final Site Plan.

Both the Preliminary and Final Site Plan shall be prepared and submitted in accordance with Section 35.76 of this chapter. Upon approval, a copy of said plan shall be recorded in the Clerk's Office of the Circuit Court for the City of Lynchburg in the same manner as plats of subdivisions are recorded.

The Division of Inspections may issue a Certificate of Occupancy without the completion of the planting of trees, shrubbery, etc., as required by the site plan upon being furnished a bond or other security in an amount estimated by the Division of Inspections to be sufficient to cover the costs of such planting. Such bond or other security must be in a form approved by the City Attorney. All required planting shall be completed during the next planting season.

F. **Standards.**

(1) **General Standards.**

- Minimum average lot area (square feet)
Maximum coverage (all buildings)

BPUD
6,000
75%

(2) **Height Regulations.** Building height regulations shall be the same as those in the "B-1" District.

(3) **Yard Regulations.** The requirements for yards shall generally be the same as those for the "B-2" Districts. These requirements may be modified as approved for specific developments.

(4) **Area Regulations.** The area requirements shall generally be the same as those for the "B-2" Districts.

G. Signs. Signs shall comply with the provisions of Article 14 of the Building Code, Lynchburg, Virginia.

H. Parking Requirements. Roads for interior vehicular circulation shall meet the requirements of the Director of the Department of Community Services. Off-street parking and loading spaces shall meet the requirements of Sections 35-62 and 35-63 of the Code of the City of Lynchburg. Required parking spaces shall be provided within the perimeter of the Cluster Commercial Development and no further than five hundred (500) feet from the facilities to be served. Off-street parking and loading areas shall be screened from residential areas and shall be designed to produce the minimum possible interference with pedestrians circulation within the development.

I. Bonus Provisions. For a Cluster Commercial Development, there may be granted an increase in the permissible Floor Area Ratio (F.A.R.) for additional landscaped areas.

J. (1) Procedure for conditional use permits.

Conditional use permits may be granted only upon application of the owner or agent thereof for which said application is made. On receipt of the documents required in subsection 3, *infra*, the Planning Division shall forward a copy to the Planning Commission together with comments and recommendations of appropriate bodies. The Planning Commission shall, after public hearing, review the application and forward recommendations to the City Council. The City Council shall, after public hearing, approve or deny the application. The decision of the City Council shall include findings to support such decision, and in the case of denial shall state the action, if any, which would make it possible to approve the application.

(2) Occupancy permit.

No occupancy permit shall be issued for any building or lot for which a conditional use permit has been granted unless the building and/or lot improvements shall be in accordance with the said permit, and thereafter no use shall be made of the building or lot which is not in accordance with the permits issued for it.

(3) Documentation required.

An application for a conditional use permit shall be accompanied by the documentation required for site plan review, plus any additional information determined by the Planning Commission to be necessary to determine its eligibility under this ordinance.

(4) Requirement of bond or guarantee.

In authorizing a conditional use permit, the City may require a bond or guarantee, payable to the City of Lynchburg, in such amount and for such period of time as the City may designate, to insure that the conditions imposed are being and will continue to be complied with.

(5) Lapse of conditional use.

If a building permit for construction authorized by a Conditional Use Permit granted under these regulations shall not have been applied for

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within six months of the granting of such Conditional Use Permit, the Conditional Use Permit so granted shall become void, unless the following appeal procedures are applied for and secured. Prior to the aforesaid six-month expiration, a six-month extension may be applied for through the City Manager's Office. Two such six-month extensions will be available. A third and final twelve-month extension may be requested from City Council prior to the expiration of the second six-month administrative extension. (11-8-60; 12-5-61; 1-13-70; 8-10-71; 11-8-77.)

Sec. 35-26. Height Regulations.

Except as hereinafter provided in section 35-60, no building or structure shall exceed forty (40) feet in height. (11-8-60)

Sec. 35-27. Yards.

The requirements for yards shall be the same as those in the R-4 residence district, section 35-22, except as follows:

1. **FRONT YARD:** The front yard requirement in section 35-17 shall be reduced to twenty (20) feet instead of thirty (30) feet.
2. **SIDE YARDS:** For corner lots, when a side yard is not required along the side street by section 35-17, there shall be a side yard ten (10) feet in width along such street. (11-8-60)

Sec. 35-28. Area Regulations.

1. Each dwelling, boarding house, lodging house, convalescent and nursing home, tourist home, and hotel, together with their accessory buildings, shall be located on a lot having an area of not less than 1,000 square feet for each family unit, except that the minimum area for any such lot shall be 6,000 square feet, and the minimum width 50 feet; provided, however, that a lot having less area, or less width, than herein required, and of record at the time of the effective date of this section, may be occupied by a single family dwelling only. (11-8-60)

Sec. 35-29. Parking and Loading Regulations.

Off-street parking and loading space shall be provided as required in sections 35-62 and 35-63. (11-8-60)

Article VIII.

"B-2" Local Neighborhood Business Districts

Sec. 35-30. Use Regulations.

Within any business "B-2" district, as indicated on the building zone map, no lot, building, or structure shall be used and no building shall be erected which is intended or designed to be used in whole or in part for any industrial or manufacturing purpose or for any other than the following specified purposes:

1. Any use hereinbefore permitted, and as regulated, in residence R-1, R-2, R-3 and R-4 districts; and business B-1 districts;
2. Retail and service businesses whose products are sold at retail and